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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Robert D. Klein

Group Art Unit: 1636

Serial No.: 09/885,816

Examiner: Leffers Jr. Gerald G.

Filed: June 19, 2001

Attorney Docket No.: MES-01-CON 3

For: Methods of Creating Constructs Useful for Introducing Sequences into Embryonic Stem Cells

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Office Action mailed October 3, 2002 concerning the Examiner's restriction to the claims in connection with the above-referenced matter, Applicants provisionally elect with traverse, claims 61-82, classified by the Examiner as Group I drawn to a method of constructing a nucleic acid construct.

The Examiner states that the claims 61-82 (Group I) and claims 51-60 (Group II) are related as a process of making and product made. Applicants submit that a search of the prior art would not be a serious burden on the Examiner. Applicants, therefore, request withdrawal of the restriction requirement.

Respectfully submitted,

Date: November 4, 2002

Mariette A. Lapiz  
Mariette A. Lapiz (Reg. No. 44,202)

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**CERTIFICATE OF MAILING**

I certify that this document and enclosures are being deposited with the U. S. Postal Service with sufficient postage as first class mail in an envelope addressed to The Commissioner for Patents, Washington, D.C. 20231, BOX AMENDMENT November 4, 2002.

Don Mixon

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